

## REMARKS

Claims 1-58 are pending in the action, with claims 1, 8, 15, 20, 28, 33 and 53-58 being independent.

Claims 8-12 and 20-23 are rejected under 35 U.S.C. §102(e) as being anticipated by US Pub. No. 2003/01212791 to **Pickup**.

Claims 1-7, 13-14, 33-44, 50-52 and 56-58 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** in view of USP No. 7,219,148 to **Rounthwaite**.

Claims 45-49 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** and **Rounthwaite**, and further in view of US Pub. No. 2004/0034694 to **Brown**.

Claims 15-19 and 28-32 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** in view of **Rounthwaite**, and further in view of US Pub. No. 2005/0021649 to **Goodman**.

Applicant respectfully traverses these rejections. Reconsideration and allowance of the above-referenced application are respectfully requested in light of the following comments and remarks.

### Section 102(e) Rejections

Claims 8-12 and 20-23 are rejected under 35 U.S.C. §102(e) as being anticipated by **Pickup**. Applicant respectfully traverses the rejection for at least the reasons set forth below.

Claim 8 recites in part determining, using **a locally stored list of confirmed senders**, if the sender is included in a list of confirmed senders associated with any other spam filter in the network.

In the statement of rejection, the Examiner asserts that Pickup's recipient sender whitelist shown in Fig. 1 is Applicant's claimed locally stored list of confirmed senders. Applicant respectfully disagrees. As expressly stated at paragraph [0061] of Pickup, Pickup's recipient mail server first checks the address of a sender with a system-wide blacklist, then the system wide whitelist. *See* ¶ [0061], lines 1-9. Subsequently, Pickup's recipient mail server checks the sender against the recipient's whitelist and blacklist. *Id.* at lines 11-14.

Applicant respectfully submits that Pickup does not use the recipient's whitelist to determine if a sender is included in a list of confirmed senders associated with any other spam filter or recipient. More specifically, Pickup's recipient's whitelist is used for checking against the identity of a sender, after which Pickup either forwards the mail to the recipient (e.g., when the sender is on the whitelist) or requests verification from the sender to confirm the identity of the sender (e.g., when the sender is not on the whitelist). *See* ¶ [0062]. Pickup does not use the recipient's whitelist (or blacklist) to determine whether a sender is on a list of confirmed senders associated with any other spam filter in the network, because the recipient's whitelist is locally stored, which keeps tracks of senders of messages locally received by the recipient. *Id.* at lines 5-7. Pickup's express use of a system-wide list, which allows Pickup to centralize and maintain a single list of confirmed senders across the network, clearly indicates that the recipient's whitelist is locally stored and does not provide any information associated with determining whether a sender is on a list of confirmed senders associated with any other spam filter in the network. *See* ¶ [0061]. Otherwise, the recipient's whitelist would just merely be a redundant list providing duplicate information that is already provided by Pickup's system-wide list.

For at least the foregoing reasons, Applicant respectfully submits that Pickup does not anticipate claim 8. Claims 9-12 depend from claim 8, and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 8.

### **Claim 20**

Claim 20 recites in part **verifying with a data center** by a spam filter that a sender of a message is a confirmed message sender.

In the statement of rejection, the Examiner points the Applicant to Pickup's paragraph at [0045] as allegedly disclosing these features. *See* page 6, item 15, lines 13-16 of Office Action. More specifically, the Examiner asserts that Pickup's verification means is Applicant's claimed data center. *Id.*

Applicant respectfully submits that Pickup's paragraph at [0045] does not provide a data center. The verification means mentioned in Pickup's paragraph at [0045] is actually described

as a component of Pickup's recipient mail server, as explained in the preceding paragraphs. *See e.g.*, ¶ [0042]. As the Examiner has already construed Pickup's recipient mail server as a spam filter, Applicants respectfully submit that Pickup's recipient mail server cannot also be served as a data center, as Pickup's recipient mail server cannot "verify with itself by itself" whether a sender is a confirmed sender.

Even assuming for the sake of argument (a point Applicants do not concede) that Pickup's recipient mail server can serve as both a data center and a spam filter, Pickup's recipient mail server handles all incoming messages to the recipient to ensure that senders of these message are authorized senders prior to forwarding the messages to the recipients. *See* ¶ [0059]. Thus, Pickup's recipient need **not** verify a sender with the recipient mail server because the sender has already been confirmed as a confirmed sender by the time the sender's message is delivered to the recipient's mailbox.

For at least these reasons, Applicant respectfully submits that Pickup does not anticipate claim 20. Claims 21-23 depend from claim 20 and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 20.

### **Section 103(a) Rejections**

Claims 1-7, 13-14, 33-44, 50-52 and 56-58 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** in view of USP No. 7,219,148 to **Rounthwaite**. Applicant respectfully traverses these rejections for at least the reasons set forth below.

Claim 1 recites in part **distributing a white list** of confirmed message senders being authorized to send messages among a plurality of spam filters.

In the statement of rejection, the Examiner admits that Pickup's system does not distribute a white list among a plurality of spam filters, and relies upon col. 9, lines 7-11 of Rounthwaite to cure these deficiencies. *See* page 9, lines 17-18 of Office Action. More specifically, the Examiner asserts that Pickup's system distributes a filter 116 to individual email clients. *Id.* at lines 19-20.

Applicant respectfully submits that while Rounthwaite's filter 116 may be distributed to

various message servers, Rounthwaite's filter 116 is not Applicant's claimed white list. Nor can the filter 116 be used to identify such a list. Rounthwaite's filter 116 is used to identify emails that should be polled for building a machine learning system, which learns to classify spam messages from incoming messages. *See* Fig. 1B. For example, Rounthwaite trains the filter 116 with training data to learn to distinguish between good mail and spam. *See* col. 2, lines 40-44 and col. 9, lines 15-17. Rounthwaite's filter 116, however, does not contain or "learn" a list of confirmed senders authorized to send messages. While Rounthwaite considers names in the "To" field and the "CC" field in a message as training data for training the filter 116, Rounthwaite has no way of determining whether a sender in such fields is a confirmed sender just from these fields. Rather, Rounthwaite determines whether a particular message is a spam by using machine-learning techniques (e.g., neural networks, support vector machines, etc.) so that Rounthwaite's system can learn to distinguish between good mail and spam. *See* col. 8, lines 49-58 and col. 2, lines 55-62. Rounthwaite does not distinguish between a good mail and spam based on whether a sender is a confirmed sender.

For at least these reasons, Applicant respectfully submits that neither Pickup nor Rounthwaite, alone or in combination, render claim 1 obvious. Claims 2-7 depend from claim 1, and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 1.

### **Claim 33**

Claim 33 recites in part distributing information indicating that the message sender can receive one or more messages among a plurality of spam filters in the messaging system.

In the statement of rejection, the Examiner admits that Pickup's system does not distribute a white list among a plurality of spam filters, and relies upon col. 9, lines 7-11 of Rounthwaite to cure these deficiencies. *See* page 16, lines 3-5 of Office Action. Similar to the rejection to claim 1, the Examiner asserts that Pickup's system distributes a filter 116 to individual email clients. *Id.* at lines 6-12.

However, for reasons similar to those discussed in claim 1, Rounthwaite does not

distribute any information among the recipients indicating that a message sender can receive one or more messages. While Rounthwaite collects training data such as message classifications, message content summaries and statistical data, Rounthwaite provides no teaching or suggestion of distributing information indicating that a message sender can receive one or more messages. This is further supported by the fact that Rounthwaite does not interact with the sender, let alone determine whether a message sender can receive messages.

For at least these reasons, Applicant respectfully submits that neither Pickup nor Rounthwaite, alone or in combination, render claim 33 obvious. Claims 34-44 depend from claim 33 and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 33.

#### **Claim 56**

Claim 56 recites in part **receiving a request** from one of the spam filters in the messaging system to verify if a sender of a message is a confirmed sender.

In the statement of rejection, the Examiner asserts that Pickup provides these features at ¶ [[0028]-[0030]. *See* page 22, lines 1-8 of Office Action. Applicant respectfully submits that the relied upon portions of Pickup teaches away from the claimed invention. As expressly stated at ¶ [[0028], Pickup intercepts an email addressed to a recipient where details of the sender of the email are not contained on a list of authorized senders. Applicant respectfully submits that there is no need for any one of Pickup's spam filters to submit a request to verify that the sender of the email is a confirmed sender, as Pickup automatically intercepts messages with senders that are not readily recognized.

Claim 56 additionally recites in part **distributing a sender's status** to other spam filters upon receipt of a confirmation from a sender in response to a notification, and notifying a spam filter indicating whether the sender's status is confirmed.

However, as discussed previously, Rounthwaite does not distribute a sender's status to other spam filters. While Rounthwaite collects training data such as message classifications, message content summaries and statistical data, none of these data determine a sender's status or

whether the sender's status is confirmed.

For at least these reasons, Applicant respectfully submits that neither Pickup nor Rounthwaite, alone or in combination, render claim 56 obvious. Claims 57-58 depend from claim 33 and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 33.

### **Section 103(a) Rejections**

Claims 15-19 and 28-32 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** in view of **Rounthwaite**, and further in view of **Goodman**. Applicant respectfully traverses these rejections for at least the reasons set forth below.

#### **A. Goodman does not collect information from a plurality of spam filters**

Claim 15 recites in part collecting information relating to a sender from a plurality of spam filters.

In the statement of rejection, the Examiner asserts that neither Pickup nor Rounthwaite teach or suggest these features, and relies upon Goodman's paragraph at [0011] to cure these deficiencies. *See* page 27, lines 19-20 of Office Action. More specifically, the Examiner asserts that Goodman collects sender information by collecting outgoing messages of a sender and determining whether the number of outgoing messages by the sender have exceeded a threshold amount. *See* page 27, lines 21-22 and page 28, lines 1-2 of Office Action.

Applicant respectfully submits that Goodman does not collect sender information from a plurality of the spam filters. Rather, Goodman's internet service providers each individually monitors its own subscribers and the subscribers' outgoing messages. *See* ¶ [0009]. Nowhere does Goodman provide any teaching or suggestion of monitoring a sender's outgoing messages from a plurality of spam filters.

#### **B. Rounthwaite does not determine a trend based on the information collected relating to a sender**

Additionally, claim 15 recites in part **determining a trend** based on the information collected relating to a sender from a plurality of the spam filters.

In the statement of rejection, the Examiner acknowledges that Pickup does not teach or suggest these features, but relies upon Rounthwaite's selection limitations provided at col. 6, lines 62-66 to cure these deficiencies. *See*, page 27, lines 10-15 of Office Action. Applicant respectfully disagrees.

Rounthwaite provides a machine learning system for classifying incoming messages as spam message. *See*, Fig. 1B. Rounthwaite first receives a series of incoming messages, and identifies the recipients of these messages (5:64-66). Rounthwaite then selects a subset of the recipients with their respective messages being considered for polling (5:66-6:7). Polled messages are forwarded to the recipients with voting instructions for voting whether a specific message is a spam (7:19-32). To determine whether to select a message for polling, Rounthwaite employs the recipients' demographic information, and other attributes and properties (6:56-60). To prevent a spammer from classifying spam messages as standard messages to skew the overall accuracies of the learning system, Rounthwaite places restrictions on message selection (e.g., placing limitations on the number of messages that may be polled for a given recipient, or on the probability of selecting a message from any given recipient) (6:62-67).

The Examiner asserts that Rounthwaite determines a trend based on these limitations, and identifies a spammer based on such a trend. Applicant respectfully disagrees with this conclusion. Rounthwaite's information are criteria used for selecting messages for polling purposes. Applicant respectfully submits that these criteria provide a guidance as to how a message is to be selected for polling purposes, per recipient or per time period. Rounthwaite does not identify a spammer based on these criteria. Rather, Rounthwaite identifies a spammer based on votes and feedbacks collected from the recipients (8:3-10).

Should this rejection be maintained, Applicant respectfully requests that the Examiner please provide further explanation as to how Rounthwaite reads on the claimed invention so as to afford the Applicant an opportunity to further address the Examiner's position.

For at least these reasons, Applicant respectfully submits that neither Pickup nor

Rounthwaite, alone or in combination, render claim 15 obvious. Claims 16-19 depend from claim 15 and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 15.

### **Claim 28**

Claim 28 recites in part collecting, using a data center, information relating to a sender from a plurality of the spam filters, and determining a trend in the collected information and identifying the sender as a spammer based on the trend.

However, as discussed above, neither Pickup, Rounthwaite nor Goodman teach or suggest these features. For at least these reasons, Applicant respectfully submits that neither Pickup, Rounthwaite nor Goodman, alone or in combination, render claim 28 obvious. Claims 29-32 depend from claim 28 and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 28.

### **Section 103(a) Rejections**

Claims 45-49 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** in view of **Brown**. As claims 45-49 depend from claim 39, which further depends from claim 33, Applicant respectfully submits that claims 45-49 are allowable for at least the same reasons discussed above with respect to claim 33.

### **Conclusion**

Applicant respectfully requests that all pending claims be allowed.

By responding in the foregoing remarks only to particular positions taken by the Examiner, Applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, Applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

For all of the reasons set forth above, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's representative at the telephone number shown below.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 06-1050 and please credit any excess fees to such deposit account.

Respectfully submitted,

Date: July 15, 2008

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